

3:23-mj-202

DISTRICT OF OREGON)
) ss. AFFIDAVIT OF TODD HOAGLAND
COUNTY OF MULTNOMAH)

Affidavit in Support of a Criminal Complaint

I, Todd Hoagland, being first duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. I am currently employed as a Special Agent with the Drug Enforcement Administration (“DEA”), United States Department of Justice, and have been so employed since 2022. In that capacity, I investigate violations of the Controlled Substances Act, Title 21, United States Code, Section 801, *et. seq.* In December 2022, I was assigned to the Salem, Oregon Resident Office. I have completed sixteen (16) weeks of DEA Basic Agent Training at the Justice Training Center in Quantico, Virginia. I am familiar with investigations of drug trafficking organizations, methods of importation and distribution of controlled substances, and financial investigations. I have assisted on multiple investigations involving organizations trafficking several controlled substances, including cocaine, heroin, methamphetamine, and fentanyl.

Purpose of Affidavit

2. This affidavit is submitted to support a criminal complaint and arrest warrant for Jorge Alberto Biurcos-Cortes, Hispanic male, date of birth xx/xx/1990 (hereinafter “CORTES”), for possession with intent to distribute a quantity of a mixture or substance containing fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C).

3. I have obtained the facts set forth in this affidavit through my personal participation in the investigation described below; from oral reports of other law enforcement officers; and, from records, documents and other evidence obtained during this investigation.

Applicable Law

4. Title 21, U.S.C., Section 841(a)(1) makes it unlawful for any person to knowingly or intentionally possess with intent to distribute, or to distribute, a controlled substance, including fentanyl.

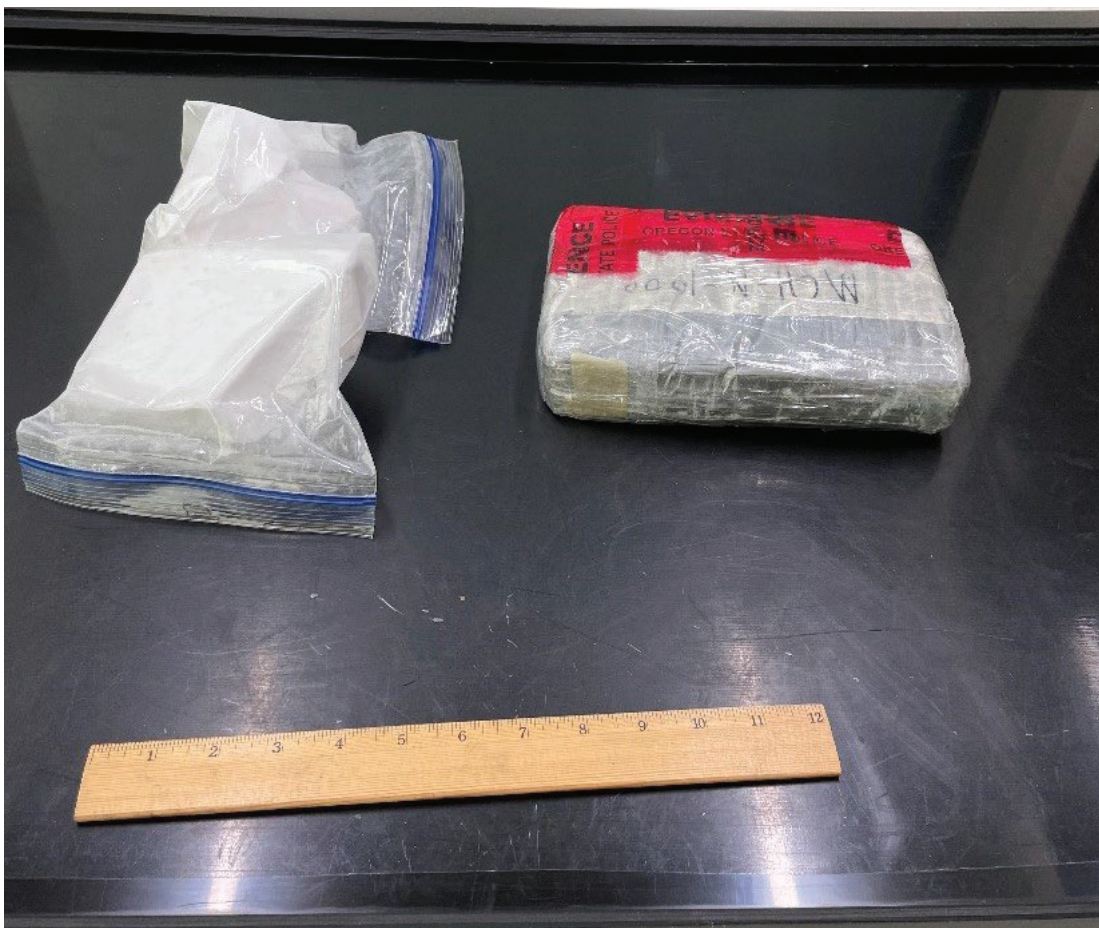
5. For the purposes of possession with intent to distribute under 21 U.S.C. § 841(a)(1), it does not matter whether the defendant knew that the substance was fentanyl. It is sufficient that the defendant knew that it was some kind of a federally controlled substance.

Statement of Probable Cause

6. On November 27, 2023, at approximately 10:20 a.m., DEA Task Force Officer (“TFO”) Scott Show, who is a canine handler for Oregon State Police (“OSP”), initiated a traffic stop on a black BMW as it traveled northbound on I-5 near Albany, Oregon. TFO Show stopped the black BMW after he observed it commit traffic violations, namely, following too close, speeding, and having no front license plate. The black BMW was occupied by only the driver, who was later identified as CORTES. TFO Show asked CORTES for identification and CORTES showed him a picture of a driver license on his phone. TFO Show confirmed the driver license in the picture was fake. CORTES admitted the license in the picture was fake and identified himself to TFO Show. CORTES had no valid driver license. According to OSP Troopers with whom I’ve spoken, it is against OSP policy to permit a driver without a valid driver license to drive on a public roadway.

7. CORTES did not speak English with TFO Show, who does not speak Spanish. TFO Show used TFO A. Zuniga, a native Spanish speaker, to interpret for him via telephone. TFO Zuniga was able to communicate with CORTES in Spanish. CORTES, through TFO Zuniga, granted TFO Show consent to search his vehicle in Spanish. TFO Show then deployed his canine to the exterior of the vehicle and reported the canine provided a positive alert to the presence of the odor of controlled substances. TFO Show's canine is trained to detect the odors of methamphetamine, cocaine, heroin, and fentanyl.

8. TFO Show then searched the vehicle and located suspected fentanyl (depicted in the photograph below on the left) and an unknown substance (depicted in the photograph below on the right) in a bag in the trunk of the vehicle. Both substances weighed approximately one kilogram (with the packaging). Other officers and I performed field tests on both substances. The test on the substance on the left provided a presumptive positive result for the presence of fentanyl. The test of the substance on the right did not provide a result for the presence of any controlled substance.



9. After locating the suspected fentanyl, TFO Show used TFO Zuniga to read CORTES his *Miranda* rights in Spanish and then questioned CORTES about the suspected fentanyl. CORTES admitted that he worked as a courier transporting controlled substances but did not know what substance he was transporting.

10. I know from my training and experience that one kilogram of fentanyl is not a user quantity but rather indicates it is possessed for purposes of distribution.

Conclusion

11. Based on the foregoing, I have probable cause to believe, and I do believe, that CORTES committed the crime of possession with intent to distribute the controlled substance fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code,

Section 841(a)(1) and 841(b)(1)(C). I therefore request that the Court issue a criminal complaint and arrest warrant for CORTES.

12. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney Charlotte Kelley. I was advised that it is AUSA Kelley's opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

By phone pursuant to Fed R. Crim. P. 4.1
TODD HOAGLAND
Special Agent
Drug Enforcement Administration

Subscribed and sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 9:10 a.m./~~m.~~ on 28 day of November, 2023.



HONORABLE JOLIE A. RUSSO
UNITED STATES MAGISTRATE JUDGE